

EXHIBIT 33

From: Patariu, Kevin (Perkins Coie) <KPatariu@perkinscoie.com>
Sent: Thursday, July 23, 2020 12:21 PM
To: Snow, Max
Cc: Moffa, Matthew (Perkins Coie); Fowler, Sarah (Perkins Coie); Simpson, Amy (Perkins Coie); Wikberg, Terrence (Perkins Coie); Fenix-Litigation; Patariu, Kevin (Perkins Coie)
Subject: RE: source code review

Max,

Nouveau/Fenix has indicated on more than one occasion that there is little or no documentation describing the structure, function, and operation of the manufacturing equipment, and that most if not all of this information would be found on the review laptop.

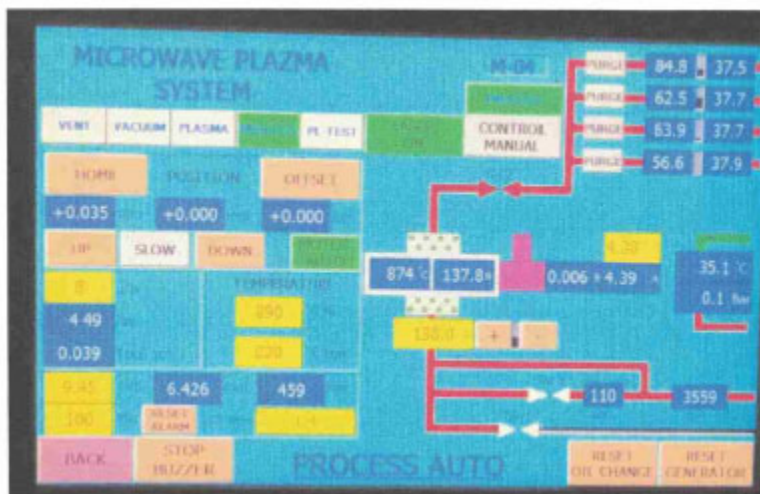
Nouveau/Fenix has not produced any documentation describing the operation of the source code for the Siemens PLC which controls the manufacturing equipment.

No documentation has been produced describing the Siemens HMI900 user interface display screens which control and monitor the manufacturing process, where crucial parameters are selected such as gas, flow rate, and pressure, and where crucial parameters are monitored such as pressure and temperature. No documentation has been produced describing the underlying variables in source code controlled by user input on those user interface screens, or describing the underlying source code variables displayed on those user interface screens for monitoring purposes. The requested printouts, most of which is not executable source code, attempt to address this prior production deficiencies.

- Most of the pages we requested to print out are not source code and cannot be compiled into an executable source code program. Only 83 pages of the requested printouts are actual ladder source code compiled and executed by the Siemens PLC device. Those requested printouts are in the subdirectory of the source code review computer called "Print Requests/2020-07-17/Program Blocks"
- Many printouts describe the Siemens hardware and the interconnection between the HMI900 display, main PLC controller and other accessory devices which provide pressure, temperature, and gas flow data information. This information has not been produced by Fenix/Nouveau in any document production, and the requested printout is not source code and cannot be compiled into an executable program. This report file (Devices and Networks.pdf) is located in the folder "Print Requests/2020-07-17/System" and is 25 pages.
 - Other printed request files in the review computer directory "Print Requests/2020-07-17/System" describe the input ports and output ports of the PLC where data is received (AI5 A021 Ports (outputs).pdf, AI5 A021 Ports (inputs).pdf, AI5 A021 Ports.pdf D124 D016 ports.pdf, totaling 7 pages) and the memory addresses assigned for communication with aforementioned accessory devices and the memory addresses assigned to that data (PLC_1.pdf, 6 pages). These report printouts are not source code which can be compiled and executed. It describes the inputs and outputs of hardware in the system.
 - Another requested printed file "Default Tag Table.pdf" (152 pages) describes system variable names and assigned memory addresses in the system, and provides other standard information. The Siemens software on the review computer does not provide a way to print this in a more compact format. This information is necessary to understand variable names assigned to pressure, temperature, flow data received at memory addresses in the system from other hardware, and used by the source code. This printout is not source code which can be compiled and executed – is a listing of the memory addresses assigned to different parameters, and is necessary to understand the source of data used in the aforementioned ladder source code files.
- Most of the page count you reference above has to do with printing information about the 21 different user interface device configuration and monitoring screens of the Siemens manufacturing equipment. Besides two

declarations (NV0000932-51 and NV000958-77) which only provided limited and outdated information about some aspects of two of these screens, no other information has been produced by Fenix/Nouveau. Printouts about the configuration of these user interface screens is required to map user interface displayed values and numerical controls values into the variables used in the ladder source code files, which typically not named in a way conveys meaningful information (e.g., SETPOINT.D48).

- The Siemens development platform printouts includes extraneous information which artificially increases the page count, and cannot be avoided. For example, the requested printout (Print Requests/2020-07-17/HMI900 Display Screens/Process Auto.pdf) explaining the underlying variables for the “Process Auto” control screen (similar example below) was 72 pages, because the printed output also has extraneous information like the XY position of a displayed variable or button, size of a displayed area, color of the background and characters, fonts, and other information, in an inefficient tabular format.



- The .pdf printout of information about each of these screens not source code which can be compiled and executed.
- There is no other way to print the information from the Siemens development environment about the source code variables which are assigned by user inputs on each screen, or the underlying source variables which are displayed on each screen.
 - For example, without this information, it would be impossible to understand what variables such as “Setpoint.D7” means in the actual ladder source code, which is set by a touch screen input on the user interface, and where the configured value is also displayed on the user interface screen This type of information is not documented anywhere else in Nouveau’s production or Fenix’s production.
- Printouts of configuration information about these 21 user interface screens totals 375 pages of requested printouts across 21 .pdf files. Those requested printouts are in the subdirectory of the source code review computer called “Print Requests/2020-07-17/HMI900 display screens”
- Similarly, the printout request for “HMI Tags (Compact).pdf” (13 pages) from “Print Requests/2020-07-17/HMI900 Tags” provides additional information about the variables configured by the user interface screens of the HMI900 display. It is not source code and cannot be compiled into a executable source code.
- Similarly, the printout request for “HMI Alarms.pdf” (15 pages) from “Print Requests/2020-07-17/HMI Alarms” provides a report of the alarm text which can be displayed to a user on the HMI900 display if certain events occur. It is not source code and cannot be compiled into a executable source code, but contains information necessary to understand the structure, function, and operation of the manufacturing equipment.

- The print requests in “Print Requests/2020-07-17/DB” (6 pages total) are reports which show the default values assigned to alarm limits which monitor gas flow, temperature, and pressure (ALARM (DB17).pdf), the reset values for all memory locations used for the SETPOINT and TEMP variables (SETPOINT (DB10).pdf and TEMP (DB16).pdf), and the scaling memory values used for the Power Supply (PS (DB14).pdf). Another file (VALVE_DB (DB11).pdf, 2 pages) shows, among other things, the memory mapping of a monitored variable to a non-descriptive name used in the source code. The requested printouts are not source code and cannot be compiled into an executable source code. They are necessary for understanding the operation of the source code, and this information has not been produced by Fenix/Nouveau elsewhere.

I hope this addresses your inquiry. We request production of the requested printouts at your earliest convenience, to the address I provided in my prior e-mail.

Regards,
Kevin

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From: Snow, Max
Sent: Tuesday, July 21, 2020 7:00 PM
To: Patariu, Kevin (SDO)
Cc: Moffa, Matthew (NYC) ; Fowler, Sarah (PAO) ; Simpson, Amy (SDO) ; Wikberg, Terrence (WDC) ; Fenix-Litigation
Subject: source code review

Counsel,

Your requested source code printouts total 699 pages. The entire source code is 917 pages.

Please confirm you believe that the requested printouts are proper under the Protective Order.

Best regards,
Max

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